

DOUGLAS COUNTY NEBRASKA
DEPARTMENT OF GENERAL ASSISTANCE
PROGRAM GUIDELINES



Revised & Reissued
Effective January 1, 2022

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The following general regulations and definitions shall apply to all programs administered by the Douglas County Department of General Assistance unless specific requirements of a program provide otherwise, in which case the specific program requirement will control, provided that the Director may suspend the strict application of these general provisions during the period a local emergency or disaster has been declared by the Board of County Commissioners of Douglas County, Nebraska, if strict compliance with these general provisions would in any way prevent, hinder, or delay necessary action in coping with the declared local emergency or disaster. The following regulations will control the financial obligation of Douglas County Nebraska to expend funds on behalf of any individual eligible to receive General Assistance benefits.

CHAPTER ONE-GENERAL PROVISIONS

Neb. Rev. Stat. § 68-131 states that “when any poor person does not have a spouse, parent, or stepparent supporting him or her or is not eligible for other general assistance programs, the poor person shall receive such relief, referred to as general assistance for purposes of sections 68-131 to 68-148, out of the treasury of the county in which he or she has legal settlement at the time of applying for assistance, in the manner provided in sections 68-131 to 68-148. Any person who is or becomes ineligible for other general assistance programs due to his or her own actions or inactions shall also be ineligible for general assistance from the county.”

1:005 Indigent Person (Poor Person): One whose net income and resources are below the General Assistance standards, as outlined herein, who does not have a spouse, parent, or stepparent supporting them and/or they are unable to provide for their own needs through any other source. Provided that in those cases where a pattern of financial support (dependency) in one of the above described situations has been established, such support shall be presumed to be continuing unless sufficient evidence is presented to the contrary.

1:010 Goods and Services Provided: The following items are payable and/or provided through General Assistance to insure the maintenance of minimum health and decency:

- A. Shelter:** includes rent, utilities, and/or other fees required within the rental agreements (e.g. rental insurance, garbage, misc. fees, etc.). Assistance for security deposits and/or application fees is not provided.

B. Non-food Necessities Voucher: A \$25 monthly allowance for items needed for personal hygiene and environmental cleanliness. Items considered inappropriate are tobacco, tobacco products, alcoholic beverages, etc.

C. Clothing Voucher: The Department recognizes that access to clean and seasonally appropriate clothing and accessories is an essential component to an individual's health and safety. Therefore, a caseworker will authorize a clothing voucher not to exceed \$80 per client, every six (6) calendar months, provided that the recipient has not been received a General Assistance clothing voucher within the current eligibility period. Exceptions may be granted at the discretion of the Director, or designee.

D. Bus Tickets: Bus tickets may be issued to clients for administrative appointments, job training/community service participation, employment until alternative transportation is secured or the first paycheck is received, acquiring shelter and other general assistance benefits, etc. Alternative forms of transportation may be arranged at the discretion of the Director, or designee.

E. Cremation Assistance (as outlined in Chapter 4, herein.)

F. Transportation Outside of Douglas County (NE) (as outlined in Chapter 5, herein)

1:020 Agency Procedures: All persons requesting assistance through the Department must:

A. Attend an interview and complete an application for assistance with a Department caseworker; and

1) An appointment to complete an application may be scheduled Monday through Friday between 8:00 a.m. and 4:30 p.m. (except for legal holidays observed by Douglas County), by contacting the Douglas County Department of General Assistance at 402-444-6215.

- B. Provide any and all additional documentation needed to determine eligibility; and
- C. Sign all forms and/or documents which indicate the applicant's desire to receive General Assistance benefits.

- 1) The application will not be considered to be complete until it has been signed by the applicant.

1:030 Availability of Funds: The obligation of Douglas County to provide assistance under any program shall be subject to the availability of funds in the fiscal year.

1:500 Right to Appeal: A client who has suffered a loss or reduction of benefits based upon the provisions of this chapter shall have the right to appeal such adverse action. Refer to Chapter 6-Appeal Procedures herein.

CHAPTER 2-GENERAL ASSISTANCE GUIDELINES

I. DETERMINANTS OF ELIGIBILITY: In order to be eligible for General Assistance, the client must come within the definition of an indigent person as set forth in Section 1:005 herein, establish a need pursuant to Section 1:010 herein, and meet the following criteria.

2:010 Residency: An individual must currently reside within the geographic boundaries of Douglas County in order to make application for continuous assistance through the Douglas County Department of General Assistance. Individuals residing outside of Douglas County seeking continuous assistance will be referred to the appropriate county office for assistance. If an individual is not permanently residing in Douglas County, short-term assistance may be granted provided all other eligibility criteria are met.

2:020 Citizenship Requirements: An applicant requesting assistance must attest that they are a:

- A.** United States citizen; or
- B.** Qualified alien under the federal Immigration and Nationality Act, 8 U.S.C. 1101 et seq.; as such act existed on 01/01/2009, and is lawfully present in the United States.
 - 1)** Applicants attesting that they are a lawfully present qualified alien under the Federal Immigration and Nationality Act are verified with the United States Department of Homeland Security through Systematic Alien Verification for Entitlements (SAVE) Program.
 - 2)** Federal regulations require a registered alien to have a sponsor who signs a contract wherein they agree to provide for the needs of the person they are sponsoring for ten (10) years upon entry into this country. Registered aliens with a sponsor may not be eligible for General Assistance.

II. 2:030 DEFINITIONS: Unless the context would indicate otherwise, the following definitions shall apply:

- A. Client:** An individual who has applied for or is receiving General Assistance benefits.
- B. Applicant:** An individual who applies for benefits through the Department of General Assistance (e.g. shelter, transportation, and/or cremation assistance).
- C. Recipient:** An individual who is receiving assistance through a program administered by the Department of General Assistance.
- D. Emancipated Minor:** A child under the age of nineteen (19) who is considered an adult because they have married and/or moved away from the parent's home and has been providing for their own needs. In all cases, an emancipated minor will be presumed to be an adult and will be subject to all provisions of these Guidelines.
- E. Request Date:** The date the applicant, or someone on their behalf, contacts the Department of General Assistance and schedules an appointment to apply for benefits.
- F. Application:** Form(s) prescribed by the Department and are signed by the applicant which indicates their desire to receive General Assistance benefits.
 - 1)** The application will not be considered to be complete until it has been signed by the applicant.
- G. Application Date:** The date an applicant completed and signs the application.
- H. Incomplete Application:** Douglas County will assume no liability to provide program benefits to any individual who fails to complete the application within the time specified by a program's requirements.

III. 2:040 CASE CATEGORIES: All applications for General Assistance will be identified according to whether the need is deemed continuous or short-term. Pursuant to Neb. Rev. Stat. § 68-133 et seq. the categories are defined as follows:

- A. Short-Term Cases:** A case will be considered to be a short-term case if the need is not expected to, or does not, continue beyond thirty (30) days (e.g. cremation and out-of-county transportation). Short-term cases will be approved for no more than one (1) calendar month if all eligibility factors have been met.
- B. Continuous Cases:** A case will be considered to be continuous if the need is expected to, or does, continue beyond thirty (30) days. All cases falling within this section will be certified for a period not to exceed six (6) calendar months from the date that the client is notified in writing of their eligibility determination.

2:050 Action on Continuous and Short-Term Cases: Pursuant to Neb. Rev. Statute § 68-133(1) the determination of eligibility shall be made and furnished to Department clients:

- A.** Within seven (7) days after the submission of the application as defined in Section 2:030(G) herein, if the need is short-term. If circumstances beyond the control of the client(s) and/or County necessitate a delay, the reason for the delay shall be documented in the case file and relayed to any/all appropriate parties.
- B.** Within thirty (30) days after the submission of the application as defined in Section 2:030(G) herein, if the need is continuous. If circumstances beyond the control of the client and/or County necessitate a delay, the reason for the delay shall be documented in the case file and relayed to any/all appropriate parties.

2:060 Household Standard-of-Need: The maximum dollar amount allowable for shelter expenses and non-food essentials combined. Although a client's standard-of-need may exceed

the amounts established in Section 2:280 herein, under no circumstances may payments exceed the maximum shelter allowances as defined in Section 2:320 herein.

2:070 Determination of Benefits: In order to determine the amount of benefits that a General Assistance client may be eligible for, the agency shall determine the following for the client:

- A. Determine the total amount of income and resources available; and
- B. Subtract the value of available nonexempt income and resources from the household standard-of-need. (The difference is the amount of assistance that may be authorized).
 - 1) Bus tickets may be authorized for clients with a transportation need exclusive of their budgeted income and/or resources.
 - 2) Approved clients may be eligible for a clothing allowance every six (6) calendar months exclusive of their budgeted income and/or resources

2:080 Adequate Notice: Notice of case action which includes a statement of the action taken by the Department, the reason for the action taken, and/or a change in State law and/or County regulations which requires the action taken, shall be provided to the client as defined in Section 2:050 herein.

2:090 Notice of Action (NOA): After an application for General Assistance benefits has been completed and eligibility has been determined, a Notice of Action (NOA) will be sent to the applicant/authorized representative as defined in Section 2:050 herein, unless circumstances beyond the control of the client and/or County necessitate a delay. In all such cases, the delay shall be documented in the case file. The NOA will indicate one of the following findings:

- A. Approval
- B. Payment(s) denied or other party determination pending

C. Denial

- 1) Denial of Benefits:** An initial application for a client requesting assistance (Continuous or Short-term) is denied upon the initial request.
- 2) Suspension of Benefits:** A Continuous Case shall be immediately suspended if the client becomes ineligible for such benefits.
 - i)** The client will be provided with a written Notice of Suspension, which shall include the reason for the suspension and what actions need to be taken by the client to regain eligibility.
 - ii)** Under no circumstance shall a Continuous Case be denied benefits for a given month if the Department failed to provide the client with adequate notice of the decision as defined in Section 2:080 herein.
- 3) Termination of Benefits:** A Continuous Case that has reached the end of the eligibility period and must recertify and/or the case will not be eligible for future month's benefits within the eligibility period.
 - i)** The client will be provided with a written Notice of Termination, which shall include the reason for the termination and what actions need to be taken by the client to regain eligibility.
 - ii)** Under no circumstance shall a Continuous Case be denied benefits for a given month if the Department failed to provide the client with adequate notice of the decision as defined in Section 2:080 herein.

The Department shall provide a monthly list to the County Board of Commissioners of those applications pending sixty (60) days or longer by date of application.

2:100 Ineligible Applicants: Applicants may also be ineligible to receive General Assistance if the lack of income and/or resources is a result of their own actions or inactions. Circumstances that may prevent a client from ongoing approval of benefits upon reapplication, even if their current circumstances meet the eligibility criteria are as follows:

- A. A full-time student will be presumed to lack income and/or resources as a result of their own action in restricting their ability to engage in full-time employment, unless sufficient evidence is presented to the contrary.
 - 1) The provisions of 2:100(A) herein, shall not apply if the client is enrolled as a full-time student as part of a County approved job training program as specified in Chapter 3 herein, or the individual is nineteen (19) years of age or younger and is attending high school.
- B. The applicant has obtained/attempted to obtain General Assistance benefits to which they were not entitled through fraud or misrepresentation and/or has not fully made restitution to the County, as specified in Chapter 7, herein
- C. An individual may be denied shelter assistance when it can be determined by the Department that their current income and/or assets are sufficient to meet their needs.
- D. Submitting a fraudulent application or willfully withholding information pertinent to the application shall be reasons for immediate termination of benefits or denial of a claim for General Assistance benefits.

2:110 Notice of Eligibility but Non-Issuance of Payment: In all cases in which the provisions of Sections 2:350, 2:360 and 2:380 herein, apply, the client will be notified in writing that:

- A. They are eligible for General Assistance and the specific authorization period;
- B. The maximum payment available for the item(s) requested;

- C. Payment will not be issued to the vendor; and
- D. Once they have secured living arrangements and the vendor has agreed to provide the goods and services through the authorization period, the Department will issue the authorized payment.

2:120 Authorization Period: Except where reasonable cause exists, all eligibility factors and benefits provided will be determined on the basis of a calendar month which constitutes the authorization period. Such authorization period shall be the month in which an application was filed, unless a request for assistance was made in the month immediately preceding the application and the applicant was unable to obtain an appointment in the month of request. In such cases, the authorization period may be the month of request, if all other eligibility factors are met for that month. The ending date of the authorization period will be the actual date the case file is closed by the caseworker.

2:130 Right of Reimbursement: In order to be eligible, the client shall authorize the County to be reimbursed for relief granted, if the client is found eligible for a State and/or Federal program which provides retroactive benefits to the client from the date of application or the client has applied for replacement of a lost or stolen check which may be reissued.

IV. AGENCY AND CLIENT RESPONSIBILITIES

2:140 Agency Responsibilities: The Department shall:

- A. Explain to the client the program requirements, determinants of eligibility, and their rights and responsibility at the time of initial application and redetermination of eligibility (at minimum);
- B. Obtain the client's written consent for needed verification;

- C.** Explore current and potentially available income and resources with the client;
- D.** Provide the client with current information on how to seek alternative sources of income and/or resources to meet future needs;
- E.** Act with reasonable promptness on the client's application for assistance as defined in Sections 2:050 and 2:080, herein;
- F.** Provide adequate notice to the client of approval, suspension, termination, denial or any other case action which affects the client's assistance payment; and
- G.** Protect the confidentiality of clients' written and electronic records and other sensitive information. Once private information is shared, the Department will be expected to follow and provide the client and their Department records, with the minimum standards of confidentiality that are detailed below. The Department shall:
 - 1)** Not solicit private information from or about clients except for compelling professional reasons;
 - 2)** Take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access;
 - 3)** Ensure confidential client information may only be disclosed when appropriate and with valid consent from a client or a person legally authorized to consent on behalf of a client;
 - 4)** Protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons;
 - i)** In all instances, workers should disclose the least amount of confidential information necessary to achieve the desired purpose; and

- ii) Only information that is directly relevant to the purpose for which the disclosure is made should be revealed.
- 5) Not disclose confidential information to third-parties unless the client has authorized such disclosure;
 - i) Disclosure authorizations should be in writing on a Release of Information (ROI) form.
 - ii) In the event a written release is not an option, a verbal ROI may be accepted.

A request for a written ROI shall be made by the Department immediately following the acceptance of the verbal ROI.
- 6) Not discuss confidential information, electronically or in person, in any setting unless privacy can be ensured; and
- 7) Protect the confidentiality of clients when responding to requests from members of the media.

2:150 Client Responsibilities: The client is required to:

- A. Provide complete and accurate information for any/all of the Departments applications, documents, inquiries, etc.;
- B. Review and sign all required documents;
- C. Attend all required meetings;
- D. Provide verification and/or documentation of all information used to determine eligibility as requested by the Department;
- E. Give consent for the Douglas County Department of General Assistance to make necessary contacts to determine eligibility for its programs, payer of last resort status and potential eligibility for any other assistance programs;

- F.** Proof of employment search, as required;
- G.** Accept referrals, fully cooperate with all program requirements, and remain compliant with any other public or private agency or organization which may/did provide the requested assistance to the client in order to preserve Douglas County's statutory standing as payer of last resort;
- H.** Prior to a determination of eligibility, report a change in circumstances no later than five (5) working days following the date of change. If eligibility has already been determined, then a change in circumstance must be reported no later than thirty (30) days following the date of change. Changes include but are not limited to changes in:
- 1) Income and/or resources (increase or decrease);
 - 2) Employment status;
 - 3) Address and/or living arrangements;
 - 4) Household composition, regardless of whether the change involves a related or unrelated household member (including moving persons into or out of the dwelling unit);
 - 5) Incapacity or disability status which includes an application for federal/state disability benefits;
 - 6) Marital status;
 - 7) Status of any application for any public assistance or third-party benefits such as workers compensation, unemployment benefits, or personal injury lawsuits/claims; and/or
 - 8) Student/school status.

V. INCOME AND RESOURCES

2:160 Income: Money received from or payments made by any source on a regular, continual, periodic, occasional, or a one-time basis. Types of income shall include:

A. Earned Income: Money received from wages, tips, salary, commissions or profits from activities in which an individual is engaged as a self-employed person or as an employee.

B. Unearned Income: Includes, but is not limited to, money received from:

- 1) Government entitlement programs;
- 2) Social Security, Railroad Retirement or Veterans benefits;
- 3) Pensions and annuities;
- 4) Disability benefits from any source;
- 5) Child support or alimony;
- 6) Unemployment or Workers' Compensation;
- 7) Inheritance, gifts, trust fund benefits, contributions, etc.;
- 8) Returns/interest/dividends from securities, investments, interest on savings, etc.;
- 9) Income received from an insurance policy that supplements the client's income when they are hospitalized or receiving medical care;
- 10) Regular payments made to or on behalf of a client from any source;
- 11) Personal injury settlements; and/or other amounts received as a lump sum, or on a periodic basis, as a result of litigated matters, or the assertion of a legal claim of right; and
- 12) Gaming/gambling proceeds.

If payments are received in increments, such as annually, semiannually or quarterly, the amount is prorated on a monthly basis.

2:170 Vested Right to Income: The client is deemed to have a vested right to income if the client or spouse has:

- A. Been approved to receive benefits under a state or federal program for the calendar month in which General Assistance is/was requested/applied for and will be received by the applicant within thirty (30) days following the application date;
- B. Earned income in the calendar month in which General Assistance has been requested or applied for and such earnings will be paid to the client within thirty (30) days following the application date; or
- C. Been approved to receive benefits from a private employer, such as pensions, disability, severance pay, etc. in the calendar month in which General Assistance has been requested or applied for and will be received by the client or spouse within thirty (30) days following the application date.

2:180 Net/Available Income: All income received by or vested in the client for the authorization period is not otherwise exempt. If payments are received in increments (e.g. annually, semi-annually, quarterly, etc.) the amount is prorated on a monthly basis. In the case of earned income, the following items are allowable deductions from the gross earnings:

- A. State and federal income taxes (based on actual personal exemptions);
- B. Social Security and Medicare (F.I.C.A.) taxes;
- C. Mandatory pensions;
- D. Premiums paid for major medical health insurance coverage; and/or

- E. Court ordered child support which has been paid during the current month on behalf of a child not in the household.

2:190 Exempt Income: The following income shall be disregarded when determining the amount of assistance which the client is eligible to receive:

- A. Stipends received through a county approved job training program;
- B. Job training program stipends defined as exempt income by the federal government;
- C. The balance of a Pell Grant remaining after deductions for tuition, fees and books have been determined by the educational institution. The balance of these funds is to be used in lieu of transportation, non-food allotment and clothing for the number of months equal to the academic period for which the Pell Grant was awarded;
- D. One hundred (100) percent of a newly employed (full- or part-time) client's gross earned income may be disregarded on an annual basis for a period not to exceed three (3) consecutive months of full pay;
- E. Revenue from Indian Lease Land;
- F. Energy assistance stipends/grants, provided that the stipend/grant is used to meet the client's energy needs. The Department will not authorize utility assistance/payments for any residence that has a billing statement that shows a credit balance of \$500 or more;
- G. Cell phone and monthly plan;
- H. Security deposits for shelter and/or utilities paid;
- I. Charitable contributions received on a less than regular basis;
- J. Payments made by a third party(ies); and
- K. Standard housing deduction-\$150 earned/unearned income per month.

2:200 Periodic and Lump Sum Payments: If a client receives regular periodic income, from any source, the worker shall divide the total amount received by twelve (12) to determine the amount of monthly income to be shown in the case budget each month. If the payment is intended for a period of time other than a year, divide the total amount received by the number of months in the designated period of time.

A. If a client with or without knowledge of County assistance program regulations, receives a one-time lump sum payment, from any source, divide this amount by the maximum assistance available according to Section 2:280 herein, for the household to determine the number of months the client is ineligible for General Assistance.

- 1) If a first-time applicant declares receipt of a lump sum payment prior to the month of application, an itemized statement of expenditures made to deplete the sum shall be provided as verification that the money has been expended.
- 2) Provided that if such sum was received prior to the date of the application and/or the applicant was not receiving General Assistance prior to the receipt of the lump sum, the worker shall determine the amount of the lump sum and divide it by the monthly Department of Health and Human Services federal poverty guidelines for the household size (Appendix A). If that number is equal to or less than the number of months which have expired since its receipt, it will be considered a reasonable and necessary monthly living expense needed or required by the household and will not impact future benefits. In the event that number exceeds the number of months which have expired since its receipt, the Department shall consider the client ineligible as it is presumed that the applicant has deprived themselves of a resource equal to the amount of the excess.

- i) If an applicant has received a lump sum payment which has resulted in the termination of previous General Assistance eligibility the worker shall review the number of months for which the applicant was determined ineligible and whether that period of time has elapsed.

(1) An itemized statement may be provided as verification of expenses resulting in the depletion of the funds earlier than projected.

2:210 Resources: Personal and real property in which the applicant has a legal interest. Equity value of all resources in the immediate possession or control of the applicant or recipient, unless otherwise exempt, will be considered as income for purposes of eligibility. A client shall make reasonable efforts to obtain possession and control of resources in which the client has a legal interest. Failure to take advantage of these resources may make a client ineligible for General Assistance. Such resources include but are not limited to:

- A. Bank accounts;
- B. Stocks, bonds, certificates, mutual funds, trust funds, revocable burial funds, net proceeds available from the surrender/liquidation of stocks, 401(k), IRA, life insurance and/or any other types of retirement accounts minus fees and penalties, with a cash/surrender value in excess of the maximum amount permitted for an adult county burial as specified in Chapter 4, herein.;
- C. Personal property such as motor vehicles, boats, campers, motorcycles, etc.;
- D. Real and/or personal property which appear on record in the name of the client or spouse will be considered in determining eligibility. In cases of jointly owned property in the name of the client or spouse and an individual not included in the family unit, it shall be presumed that the client or spouses' interest in such property is

- proportionate to all other joint owners, unless sufficient evidence is presented to the contrary;
- E.** Real estate;
 - F.** Business equipment including all business property, fixtures and machinery, including farm machinery, but excluding tools needed for a trade or profession which have an equity value of less than \$2,000;
 - G.** Livestock, poultry and crops;
 - H.** Royalties received by registered tribal members from land developed and operated as a casino;
 - I.** Gaming/gambling proceeds; and
 - J.** Personal injury settlements and/or other documents received as a lump sum, or on a periodic basis, as a result of litigated matters, or the assertion of the legal claim of right.

2:220 Exempt Resources: The following resources shall not be considered in determining an applicant's eligibility for General Assistance:

- A.** The equity in a primary residence owned by the client, unless the equity value exceeds \$50,000;
 - 1)** Ownership of any additional properties will not be exempt regardless of equity value and will be considered to be an available asset/resource.
- B.** Household furnishings;
- C.** One licensed or unlicensed motor vehicle which is/are presently being used to meet the client's transportation needs will be excluded if the motor vehicle has a fair

market value of \$12,000 or less. The \$12,000 rule is limited to one vehicle per household;

- 1) If a motor vehicles fair market value is more than \$12,000, the amount over \$12,000 is counted as a resource;
- 2) In the case of a married couple with more than one (1) motor vehicle, the vehicle with the greatest fair market value is processed through the \$12,000 rule;
- 3) In cases where the fair market value exceeds \$12,000 or when more than one vehicle is present, short-term shelter assistance may be authorized for up to sixty (60) days to allow sufficient time to sell the vehicle(s). Proceeds from the sale shall be considered income to the household at the time of sale.

D. Irrevocable burial funds;

E. Life insurance policy/policies with a combined cash value equal to the maximum expenses permitted for an adult county burial as specified in Chapter 4 herein. Cash value in excess of this exemption shall be considered a resource to the client;

F. 401k or IRA in excess of cremation with a combined cash value equal to the maximum expenses permitted for an adult county burial as specified in Chapter 4 herein. Cash value in excess of this exemption shall be considered a resource to the client;

G. Indian Lease Land.

2:230 Disposal of Resources: An individual having been previously denied assistance by the Department due to resource(s) exceeding permitted limits is ineligible if they dispose of or deprives themselves of resources by transfer or sale of the resource(s) for less than fair market value. The applicant may be ineligible for the period of time in which the resource would have

been available to meet the needs of the household. This is determined when a sale has occurred by comparing the equity value of the resource at the time of sale to the value received. The difference is the amount which would have been available to meet the needs of the household.

- A. An individual having been previously denied assistance by the Department due to resource(s) exceeding permitted limits is ineligible if they dispose of, or deprive themselves of a resource(s) by transfer or sale of the resource(s). The worker shall investigate any resource(s) the client may have owned but has disposed of before or following application for benefits.

2:240 Equity Value: The fair market value of a resource less any recorded liens or encumbrances. In the case of real estate, reasonable fees required to liquidate those resources, including the usual and customary real estate commission computed using the appraised value for tax purposes.

2:250 Fair Market Value of Real Estate and Motor Vehicles: The fair market value of real estate will be determined in accordance with the property's appraised value for tax purposes. The fair market value of motor vehicles will be determined in accordance with the trade-in values set forth in the most recent Midwest Edition of the National Automobile Dealers Association (NADA) Used Car Guide (average used price), unless sufficient evidence is presented to the contrary.

2:260 Potential Income and/or Resources: All applicants will be required to seek alternative sources of income and/or resources to meet their past, present and future needs in order to be eligible. In order to comply with this provision, a client shall (when applicable):

- A. Make reasonable efforts to obtain possession and control of income and resources in which the client has a legal interest;

B. Complete the application and follow through with all available appeal processes for any public and/or private entity benefits to which they may be entitled, or are potentially entitled. Including, but not limited to:

1) Social Security, Supplemental Security Income, Veterans Benefits, Aid to the Aged, Blind or Disabled, Temporary Assistance to Needy Families, Unemployment Compensation, Worker's Compensation, available transportation services, etc.;

C. Attend meetings as required to assist in the development of resources, education, and/or employment.

1) Able-bodied clients shall make good faith efforts to secure employment, and/or comply with the requirements of the Job Training/Community Service Programs (specified in Chapter 3 herein), unless the client:

- i)** Has reached retirement age as defined by the Social Security Administration and has applied for, or is receiving, Social Security benefits;
- ii)** Is employed on a regular basis and working at least twenty-five (25) hours per week earning the federal minimum wage or equivalent;
- iii)** Has a verified physical, mental, and/or behavioral health disability which precludes them from being employed. Such verification shall be provided in the form of a written note and signed by a Physician, Physician Assistant, Licensed Mental Health Practitioner, or Nurse Practitioner. In such cases, the client shall not be required to seek employment until a Physician, Physician Assistant, or Nurse Practitioner certifies that their condition no longer precludes employment; or

- iv) Their presence in the home as a full-time caregiver has been verified by a physician to be essential for the health and safety of a person rendered disabled by a verified physical, mental, and/or behavioral health condition.

2:270 Verification and Documentation of Income and Resources: The Department shall investigate and verify all information for any/all of the income and resources declared by the client. In the event the Department is unable to verify information that is needed in order to determine eligibility, the client shall be responsible for providing that information to the Department. In the event, attempts that have been made by the Department and/or client to obtain the needed information/documentation have been unsuccessful, a determination will be made on how to proceed with the evidence that is available in consultation with the Department Director, or designee. All verifications must be documented and contained in the case record prior to an eligibility determination being made. Failing to provide the necessary documentation as requested by the Department within a reasonable time, shall be grounds for denial of the application or closing of the case file. For purposes of complying with these provisions the client shall provide verification:

- A. From the appropriate agency that an application for benefits has been submitted, an appeal has been filed, and/or the client has scheduled an appointment to apply for benefits;
- B. Of participation with the Job Training/Community Service Program, as required;
- C. That they have made every effort within their means to secure possession and control of resources in which they have a legal interest;
- D. Of work history and consent to the release of interagency earnings data from other governmental agency sources.

2:280 Income and Resource Guidelines: Clients with available net income and resources equal to or in excess of the following standards during the authorization period are ineligible for shelter assistance.

Household of one (1):

\$725 (\$700 maximum shelter allowance + \$25 non-food allowance)

Household of two (2):

\$850 (\$800 maximum shelter allowance + \$50 non-food allowance)

VI. REPORTING REQUIREMENTS

2:290 On-Going Reporting Requirements for Continuous Cases: Continuous Case clients who have been certified for General Assistance will remain eligible for assistance for a period of six (6) calendar months from the date that the client was notified in writing of their initial approval of benefits, as long as there is a need within the scope of the program and the client continues to meet all eligibility requirements. Failure to submit information as required by this section may result in a denial of assistance for the month following the reporting period. In addition, the client or a representative must:

- A. Complete and submit a Monthly Reporting Form (MRF) to the Department each of the months that proceed their initial eligibility determination. The purpose of the MRF is to assist the Department in determining the client's on-going eligibility and need for Department assistance;
 - 1) The completed MRF is due to the Department by the 10th calendar day of each month.

- B. Report any change in circumstances (e.g. living situation, income, resources, household size, etc.) within thirty (30) days of the change; and
 - 1) If there has been a change in the client's circumstances which would affect the amount of General Assistance the client was eligible to receive and assistance has already been provided pursuant to this section, such change will be reflected in the following month which may result in an increase, decrease, or denial of benefits for that month.
- C. In cases where the client is required to search for employment, submit the required documentation to show the active employment search.
 - 1) The completed documentation is due to the Department by the 10th calendar day of each month.

2:300 Continuous Case Recertification and Eligibility Redetermination: All cases falling within the provisions of Section 2:050(B) herein, must be reviewed and eligibility re-determined in order to certify the case for an additional six (6) month period. In order to recertify eligibility, the client must:

- A. Complete an interview with a Department caseworker; and
- B. Provide necessary verification on all points of eligibility.

VII. PAYMENT STANDARDS AND SCHEDULE

2:310 Household/Housing Payment Standards: All payments from General Assistance will be determined on the basis of the qualified client, their household composition, and the category of housing in which they reside. The maximum payment shall not exceed the standard established for each category. All payments will be made directly to the vendor providing the goods or

services. Maximum General Assistance payments as listed in Section 2:320 herein, shall not be supplemented or augmented by other resources or other forms of payment.

2:320 Shelter Payment Schedule:

A. Shelter: A client may elect to have all or part of their shelter allowance applied to their rent or utilities, any combination of which cannot exceed the maximum shelter rate. In no case will payment be authorized for an amount which exceeds the actual charges incurred during the authorization period. Once a shelter payment has been issued to the vendor, the client cannot receive payment for an alternate living situation unless the payment was issued in error or the client is required to obtain a new living situation due to circumstances beyond their control. In no case will payments be authorized in any one month which would exceed the maximum shelter allowance specified herein.

1) Residential Unit: For General Assistance purposes, a residential unit is defined as a self-contained dwelling unit which has a separate secure entrance, separate cooking and food storage facilities, and a separate bathroom. Additionally, there must be a sink large enough to accommodate dish washing. A residential unit may be rented to related or unrelated individuals. Total residential unit rent is one rate for the self-contained dwelling unit. The maximum shelter allowance shall be \$700 for an individual client or \$800 per household with two (2) General Assistance clients (couple, not roommate).

i) Utility Stipend: The Department recognizes that additional occupants living in one residential unit may result in an increased usage of utilities each month. Therefore, a utility stipend is available for households with two (2) General

Assistance clients (couple, not roommate) to assist with additional utility costs that may be incurred. The term ‘utilities’ includes: water, electricity, gas/oil used for heating a residence, and garbage disposal services. The maximum utility stipend available each month is \$100 per household.

(1) In the event utilities are not in the client(s) name and are instead included in the household’s monthly rental responsibility, the utility stipend shall be included in the monthly assistance that is authorized to the vendor.

- 2) **Shared Living:** For General Assistance purposes, shared living is defined as a residential unit in which the client or couple shares common areas such as an entrance, cooking and food storage facilities, and/or bathroom facilities with the property owner and/or with another resident. The total percentage due for the client or couples rent and/or utilities is determined by dividing the number of adult occupant’s (family and non-family) by the actual rent and/or utility costs. The maximum shelter allowance shall be \$700 for a client or couple.
- 3) **Boarding House/Rooming House:** For General Assistance purposes, a dwelling unit in which the client or couple has/have a sleeping room and must share other common areas such as cooking, food storage, and/or bathroom facilities. The total dwelling unit rent is not one rate for the premises as in a residential unit, but is a “sleeping room” rate. This includes a Boarding/Rooming House as defined in Neb. Rev. Stat. § 41-204-205 (as amended). The maximum shelter allowance shall be \$400 for a client or couple.
- 4) **Assisted Living/Board & Room Facilities:** A facility licensed by the Nebraska Department of Health and Human Services to provide shelter, meals and oversight

to persons having a verified need which requires some degree of supervision.

Payment for shelter at a facility licensed by the State of Nebraska at the rate established by the State, may be authorized if the client has a verified medical need which requires some degree of supervision.

VIII. VENDOR PAYMENT PROCEDURES

2:330 Vendor Payments: Payments on behalf of eligible clients can only be made if the vendor will accept a Douglas County payment, agrees to adhere to all requirements set forth in Section 2:350 herein, and agrees to provide the goods or services throughout the authorization period.

2:340 Approved Vendors: Even though an individual is qualified to receive program benefits, Douglas County shall not make payment for any service(s) unless:

- A. The provider of those services is approved as a vendor by the Department of General Assistance and complies with the appropriate program regulations;
- B. The vendor agrees to reimburse the County in the event payment is made for goods or services which are subsequently not provided. Such reimbursement shall be in whole or in part based upon the actual goods or services provided; and
- C. The shelter/place of residence is not a drug or alcohol treatment or supportive living facility that mandates behavioral restrictions as a condition of occupancy.

2:350 Housing Payments: All property owners wishing to receive payments must complete the Department's vendor certification process to describe the type of dwelling unit, make arrangements for payments, etc. Vendors must also agree to notify the Department of any change in the client's address and/or living arrangements, including people moving into and out of the dwelling unit or if the client vacates the property. In all cases, the place of residence must

be located within the geographic boundaries of Douglas County. Under no circumstances are security deposits or application fees paid, nor does the program reimburse any person or agency for payments made to a provider on behalf of a client. Douglas County may seek reimbursement for any rent payments made based on false information provided by the vendor. In order to receive payments, the vendor receiving payments must either be the:

- A. Title holder of record of the real estate where the client resides;
- B. Designated agent of the title holder of record of the real estate where the client resides;
- C. Mortgage holder of record to the real estate where the client resides; or
- D. Buyer of real estate on Land Contract or by order of the court. If the title of record is still in the name of the seller or a trustee, a copy of the contract must be provided to the Department.

2:360 Assisted Living Payments: In order to be an approved vendor eligible to receive payment, the facility must be properly licensed as such by the State of Nebraska. Payment will be made at the State rate determined by the type of facility. Such payment will only be made if there is a documented medical need.

2:370 Insuring Maintenance of Minimum Health and Decency: Even though a client is found eligible for General Assistance, payment will not be issued unless such payment will insure the maintenance of minimum health and decency for the client. Such situations may include, but are not limited, to the following:

- A. Utility shut-offs: The client has received a shut-off notice for non-payment and the maximum rate of payment allowable for the household is insufficient to prevent the shut-off from occurring;

- B. Foreclosure or eviction proceedings are pending and the maximum payment allowable for the household unit is insufficient to prevent foreclosure or eviction; and/or
- C. The client's residence does not meet the minimum provisions of the applicable health codes.

2:380 Payments for Other Types of Assistance: Payment for other General Assistance approved items such as transportation, food, clothing, cremation, and non-food payments shall be made only to vendors who comply with the County's policies and requirements.

2:500 Right to Appeal: An individual who has suffered a loss or reduction of benefits based upon the provisions of this chapter shall have the right to appeal such adverse action. Refer to Chapter 6-Appeal Procedures herein.

CHAPTER 3-JOB TRAINING AND COMMUNITY SERVICE PROGRAM

Notwithstanding the provisions of any other chapter of these regulations, a General Assistance client who is unemployed or employed less than twenty-five (25) hours per week, or is employed a minimum of twenty-five (25) hours per week but is not receiving wages, tips and other compensation equal to the applicable federal minimum wage and who does not have a verified physical and/or mental disability which precludes the individual from participating in a job training, vocational rehabilitation or community service program shall be subject to the requirements of this chapter. For purposes of this chapter, the following definitions shall apply:

3:010 Employable Recipient: An individual who has been approved for General Assistance benefits who is not rendered unable to work, by illness or significant and substantial mental or physical incapacitation, to the degree and of the duration that the illness or incapacitation prevents the person from performing designated vocational, rehabilitation, job training or community service activities.

A. Medically Unable to Work Recipient: Any individual who is rendered unable to work by illness or significant and substantial mental or physical incapacitation, to the degree and the duration that the illness or incapacitation prevents the person from performing designated vocational, rehabilitation, or job training activities and/or maintaining employment.

- 1) Clients whose application for SSI and/or SSDI benefits from the Social Security Administration has been denied and who has not submitted a timely appeal of the denial may be required to participate in the work search requirement.

3:020 Approved Job Training Program: Shall mean vocational training in technical job skills and equivalent knowledge, which the program has been approved by the County, or its designee, as meeting the requirements specified herein.

3:030 Community Service: Shall mean work performed for a governmental agency, non-profit corporation or health care corporation, which the program has been approved by the County, or its designee, as meeting the requirements specified herein.

3:040 Full-time Employment: The client is employed on a regular basis and working at least 30 hours per week and earning the federal minimum wage or equivalent.

3:050 Full-Time Student: An individual registered for full attendance at and regularly attending an established school, college or university, or who has attended during the most recent school term, or intends to register for full attendance at the next regular term of the school. Full-time status is determined by the number of credit hours required by the school, college or university. An individual who began the semester/term as a full-time student but has had a reduction in class load and has become a part-time student will be presumed to have done so in an attempt to qualify for County benefits unless sufficient evidence is presented to the contrary.

3:060 Job Training Participation: An employable client of General Assistance benefits who is unemployed, employed less than twenty-five (25) hours per week, or is employed twenty-five (25) hours per week or more but is not receiving wages, tips, and other compensation which meet the applicable federal minimum wage requirements and who has not completed an approved job training program within two years prior to the date of application may be required to participate in an approved job training program.

3:070 Community Service Participation: An employable client who has completed an approved job training program or for whom an appropriate job training placement is not

available, as deemed by a County representative, and continues to be unemployed, employed less than twenty-five (25) hours per week, or is employed twenty-five (25) hours per week or more but is not receiving wages, tips and other compensation which meet the applicable federal minimum wage requirements, shall be required to participate in the Community Service Program.

3:080 Failure to Participate in Job Training and/or Community Service Program: Any client who is required to participate in a Job Training and/or Community Service program and fails/refuses to: attend orientation or any other required meeting, fully participate, and/or show good-faith effort to participate, shall be denied General Assistance benefits for three (3) calendar months.

3:090 Exemption from Participating in Job Training and/or Community Service Program: An employable client shall not be required to participate in a Job Training and/or Community Service program if their presence in the home as a full-time caregiver has been verified by a physician to be essential for the health and safety of a person rendered disabled by a verifiable medical or mental health condition.

3:100 Community Service Hours Required: Pursuant to Neb. Rev. Stat. § 68-154.01 the required hours of community service shall be determined by dividing the General Assistance received by the client for the prior calendar month by the federal minimum hourly wage. No client shall be required to perform community service for more than eight (8) hours in any one day or more than sixteen (16) hours in one week.

3:500 Right to Appeal: An individual who has suffered a loss or reduction of benefits based upon the provisions of this chapter shall have the right to appeal such adverse action. Refer to Chapter 6-Appeal Procedures herein.

CHAPTER 4-CREMATION ASSISTANCE

4:010 Eligibility Criteria: Douglas County will consider providing short-term Cremation Assistance for any person who dies within the geographic boundaries of Douglas County or who has legal settlement in Douglas County. It is the policy of Douglas County that cremation is the only option available, exceptions to this policy are only for those situations where cremation is not an option due to legal considerations.

4:020 County Services: If the estate of the decedent and/or the income and resources of the Responsible Party, as defined in Section 4:050 herein, is/are insufficient to meet the cremation expenses as defined in Section 4:110 herein, Cremation Assistance may be authorized to meet these expenses. Under no circumstances shall the cremation expenses provided by Douglas County be supplemented by a private/non-profit payer. Violation(s) of these conditions will forfeit Douglas County's responsibility for participation in the costs of the cremation expenses provided.

4:030 Financial Eligibility Requirements: In order to be eligible for Cremation Assistance as defined within this Chapter:

- A. The gross income of the responsible party(ies) must be equal to or below 100% of the poverty guidelines set forth by the Department of Health and Human Services (HHS) (Appendix A); and
- 1) Adjustments to HHS Poverty Guidelines: Annual adjustments to the HHS poverty guidelines shall become effective on the first day of the month following publication in the Federal Register. The guidelines in effect at the time of request shall govern initial eligibility determinations.

- B.** The assets of the decedent's estate and/or the income and resources of the responsible party(ies) cannot exceed the allowable Fee Schedule as defined in Section 4:100 herein.

4:040 Financial Participation: If the financial eligibility requirements are met, assistance may be authorized, but only to the extent that the allowable cost of cremation exceeds the assets of the decedent's estate and/or income and resources of Responsible Party(ies) as defined in Section 4:050 herein.

4:050 Responsible Party(ies): The right to control the disposition of the remains of a deceased adult person, unless other directions have been given by the decedent, vests in the following persons in the order named pursuant to Neb. Rev. Stat. § 38-1425 (as amended). The liability for the reasonable cost of interment devolves jointly and severally upon all kin of the decedent in the same degree of kindred and upon the estate of the decedent.

- A.** Any person authorized by the decedent through a notarized affidavit to direct the final disposition;
- B.** The surviving spouse;
- C.** If the surviving spouse is incompetent or not available, or if there is no surviving spouse, an adult child of the decedent;
- D.** A surviving parent of the decedent;
- E.** An adult person in the next degrees of kindred in the order named by the laws of Nebraska as being to succeed to the estate of the decedent;
- F.** A guardian of decedent; or
- G.** Personal representative.

4:060 Other Eligibility Requirements: In addition to meeting the financial eligibility criteria, any individual requesting assistance on behalf of the decedent must agree in writing to the following terms and conditions:

- A. They will accept the assistance as outlined herein, and understand that the funeral home will not provide additional items or services;
- B. They have not made financial arrangements to provide for services not covered by the County as itemized in Section 4:120 herein; and
- C. They will cooperate with the funeral home in securing income and assets of the decedent and all responsible relatives, to be applied to the cost of cremation.

Violations of these conditions will forfeit Douglas County's responsibility for participation in the cost of the cremation expenses provided.

4:070 Financial Liability of Responsible Party(ies): The financial liability of the Responsible Party(ies) will be determined by comparing the available income and/or resources in the immediate possession or control of the Responsible Party(ies) to their reasonable household expenses.

- A. **Unclaimed Bodies:** In cases where there are no known relatives, legal guardian, or other Responsible Party pursuant to Neb. Rev. Stat. § 38-1425, the request for assistance may be made by the County Coroner, mortuary, or another appropriate individual as determined by the Department Director or designee, in consultation with the Douglas County Attorney's Office. In cases where the decedent's body is unclaimed, the mortuary will submit a request to the Douglas County Department of General Assistance with as much identifying information as possible. The Department will work with the mortuary to secure any assets available to cover

associated costs of a cremation. If no other resources are available or if available resources cannot be accessed without the filing of probate proceedings, the Department will cover the cost of the cremation as outlined in Sections 4:100 herein.

4:080 Agency Procedures for Cremation: All persons requesting cremation assistance must:

- A. Attend an interview and complete an application for assistance with a Department caseworker. The application must be signed by the legally responsible person;
 - 1) An appointment to complete an application may be scheduled Monday through Friday between 8:00 a.m. and 4:30 p.m. (except for legal holidays observed by Douglas County), by contacting the Douglas County Department of General Assistance at 402-444-6215.
- B. Provide any and all additional documentation needed to determine eligibility; and
- C. Signed all forms and/or documents which indicate the applicant's desire to receive Cremation Assistance benefits. The application will not be considered to be complete until it has been signed by the applicant.

4:090 Cremation Notice of Action (NOA): After an application for Cremation Assistance benefits has been completed and eligibility has been determined, a Notice of Action (NOA) will be sent to both the applicant and the mortuary within seven (7) days from the date the application is completed as defined in Section 2:050(A) herein, unless circumstances beyond the control of the client and/or County necessitate a delay. In all such cases, the delay shall be documented in the case file. The NOA will indicate one of the following findings:

- A. Approval;
 - 1) If funds from the estate of the decedent exist which are to be applied to the cost of the cremation/burial and the financial institution holding such funds requires a

certified copy of the death certificate, this additional cost may be paid to the mortuary.

- 2) Pursuant to Section 30-2413 of the Nebraska Probate Code, the Department of General Assistance will file a Demand for Notice in the County Court of Douglas County demanding mailed notice of all filings or orders pertaining to the estate of any decedent for whom assistance has been provided. The Demand for Notice will be executed by the Department of General Assistance Director or designee.

B. Payment(s) denied or other party determination pending; or

C. Denial

- 1) Assistance will be denied if arrangements have been made with the mortuary in excess of the Cremation Fee Schedule.

4:100 Cremation Fee Schedule: All payments will be determined by the type of disposition approved. All payments will be made directly to the vendor providing the services. The maximum payment shall not exceed the standard established for each category:

(1) Mortuary

Adult	\$ 890
Child	\$ 444
Infant	\$ 275

(2) Crematory

Adult	\$ 208
Child	\$ 136
Infant	\$ 103
Maximum Payment	\$ 1098

4:110 Cremation Expenses: The following principle services are included within the above Cremation Fee Schedule:

- A. Required preparation;
- B. Brief newspaper notice (name, age, and time of service);
- C. Simple container for cremated remains as selected by the mortuary/crematory;
- D. Transportation from the place of death to the mortuary and to the place of cremation, if different from mortuary; and
- E. Crematory fee.

4:120 Items Not Covered by County Cremation Assistance: The below items are not included or provided in the Cremation Fee Schedule. They may not be purchased by the Responsible Party(ies) or any other party as an alternative to paying for the items defined as Cremation Expenses in Section 4:110 herein. Violations of these conditions will forfeit Douglas County's responsibility for participation in the cost of the cremation expenses provided. The following items are not included and may not be purchased as described herein:

- A. Flowers;
- B. Organist;
- C. Pallbearer expenses;
- D. Clergy fees;
- E. Clothing;
- F. Transportation for the family;
- G. Memorial cards or record book;
- H. Long distance telephone charges;
- I. Transportation of the deceased outside of Douglas County;

- J.** Funeral escort service;
- K.** Tents;
- L.** Headstone;
- M.** Urn;
- N.** Burial or internment of cremains; or
- O.** Services at a mortuary or any other fee-based facility.

4:130 Burial Exception: If cremation is not an option due to legal considerations, the following maximum fees may be paid:

A. Mortuary-for the costs of:

- 1) required preparation;
- 2) brief newspaper notice (name, age, and time of service);
- 3) simple casket; and
- 4) transportation from the place of death to the mortuary and from the mortuary to the cemetery.

Adult*	\$ 1,776
Child*	\$ 479
Infant*	\$ 275

B. Cemetery-for the costs of:

Adult*	\$ 546
Child*	\$ 275
Infant*	\$ 207

C. Additional Items as required:

Oversized casket	\$ 275
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Disaster bag	\$ 109
Outer casket receptacle (vault)	\$ 389
Sealed metal container	\$ 265
Cemetery plot**	\$ 546
Oversized outer receptacle (vault)	\$ 546

*casket size

**if the decedent did not own a burial plot at the time of death or if a plot is not donated, internment will be arranged at a cemetery located in Douglas County that will accept county burial fees as payment in full.

4:140 Fee Adjustments: The Fee Schedule set forth in this Chapter is effective January 1, 2022, and will continue through December 31, 2023. The fee schedule will be effective for all County cremation and burial assistance approved on or after January 1, 2022.

A. The adjustment will be based upon the changes to the U.S. Bureau of Labor Statistics *Consumer Price Index – All Urban Consumers (CPI-U), Midwest Urban Base Period; as amended*. The adjustment for each fee will be calculated using a two-step formula. All dollar amounts will be rounded to the nearest dollar. The percent change in the CPI-U calculated using the Bureau of Labor Statistics escalation formula, from the first half of 2018 to the first half of 2019, is multiplied by the current fee and that sum is added or subtracted to the current fee amount to arrive at subtotal A. The percent change to the CPI-U from the first half 2019 to first half 2020 is multiplied by the subtotal A amount and that sum is added or subtracted to the subtotal A amount. This sum is the new adjusted fee for the following two-year period.

Example: MAXIMUM CREMATION PAYMENT

STEP 1: \$1088 x (.08) = (\$8.70) + \$1088 = \$1,079.30

STEP 2:

$$\$1079.30 \times .017 = \$18.35 + \$1079.30 = \$1,097.64$$

$$\text{NEW MAXIMUM PAYMENT} = \$1,098.00$$

- B.** The fee schedules set forth in this Chapter will be reviewed and adjusted biennially, adhering to the formula set forth in this section.

4:500 Right to Appeal: An individual who has suffered a loss or reduction of benefits based upon the provisions of this chapter shall have the right to appeal such adverse action. Refer to Chapter 6-Appeal Procedures herein.

CHAPTER 5-OUT-OF-COUNTY TRANSPORTATION ASSISTANCE

5:010 Eligibility Criteria: Douglas County will consider providing short-term Transportation Assistance via bus to locations outside of Douglas County (NE) for an individual who:

- A. Is 19 years or older;
 - 1) Families with minor children requesting transportation assistance must seek other appropriate resources as the County is unable to provide assistance for minors.
- B. Has not resided in Douglas County for six (6) consecutive months;
- C. Wishes to return to their place of residence; or
 - 1) Provided the individual has secured a place to reside upon their arrival and this information can be verified.
- D. Has secured employment outside of Douglas County; and
 - 1) The prospective employer shall confirm this information.
- E. Does not have an active warrant in the state of Nebraska; and
- F. Meets the financial eligibility requirements to qualify for assistance.
 - 1) The gross income of the applicant must be equal to or below 100% of the Department of Health and Human Services (HHS) poverty guidelines as set forth in Appendix A;

5:020 Agency Procedures for Out-of-County Transportation: All persons requesting out-of-county transportation assistance must:

- A. Attend an interview and complete an application for assistance with a Department caseworker; and
 - 1) An appointment to complete an application may be scheduled Monday through Friday between 8:00 a.m. and 4:30 p.m. (except for legal holidays observed by

Douglas County), by contacting the Douglas County Department of General Assistance at 402-444-6215.

B. Provide any and all additional documentation needed to determine eligibility; and

C. Signed all forms and/or documents which indicate the applicant's desire to receive

Transportation Assistance. The application will not be considered to be complete until it has been signed by the applicant.

5:500 Right to Appeal: An individual who has suffered a loss or reduction of benefits based upon the provisions of this chapter shall have the right to appeal such adverse action. Refer to Chapter 6-Appeal Procedures herein.

CHAPTER 6-APPEAL PROCEDURES

Pursuant to Neb. Rev. Stat. § 68-138 any client whose application for assistance is denied or whose continuing assistance is terminated or reduced shall, at the time of the denial, termination, or reduction be given a written notice of the specific reasons for such denial, termination, or reduction. Such notice shall also inform the person of the right to a hearing to review the denial, termination, or reduction and the procedures for requesting such hearing. The procedures for requesting such hearing are details within this chapter.

6:010 Right to Appeal: Pursuant to Neb. Rev. Stat. § 68-139 any client whose claim for assistance through Douglas County Department of General Assistance has:

- A. Not been acted upon within the time established by Section 2:050;
- B. Been denied;
- C. Not been granted in full;
- D. Been reduced or terminated; or
- E. Been suspended for failure to participate in the Departments Job Training and/or Community Service Program.

May request a hearing on such action or inaction. The procedures for requesting said hearing are as follows.

6:020 Appeal Request: A request for a hearing by an applicant to have the County's action or inaction on their case reviewed. An appeal must be requested in writing.

6:030 Time to Appeal: A written request for an appeal must be filed within thirty (30) calendar days following the date on which the Notice of Action is mailed to the client. Appeals received within that timeframe shall be processed in the following manner:

- A. The aggrieved client shall present their appeal in writing to the Department within thirty (30) calendar days following the date on which notice of the County's action is mailed to the client.
- B. A General Assistance Administrator or Supervisor shall review the appeal and respond in writing to the aggrieved person within fifteen (15) calendar days following the date on which the appeal was received.
 - 1) If a satisfactory settlement is reached, the aggrieved person shall withdraw the appeal in writing within fifteen (15) calendar days of receipt of the response from the Department Administrator or Supervisor.
 - 2) If not withdrawn, a Hearing Officer shall be appointed and act in accordance with Section 6:010 herein.

6:040 Appeal Hearing Rights: Pursuant to Neb. Rev. Stat. § 68-140 if the appeal is not withdrawn, the case will be referred to a hearing examiner designated by the County Board for a fair hearing. The client requesting a hearing shall have the following rights:

- A. Examine their assistance file prior to and during the hearing;
- B. Be represented in the proceedings by a lawyer, friend, relative or anyone else they may select;
- C. Present evidence; and
- D. Confront and cross-examine witnesses.

6:050 Appeal Hearing Procedure: Pursuant to Neb. Rev. Stat. § 68-141 if the appeal is not withdrawn, the case will be referred to a hearing examiner, designated by the County Board, for a fair hearing. The hearing officer shall use the following procedure for all hearings:

- A. Tape-record the hearing;

- B.** Make a decision within thirty (30) days following the hearing;
- C.** Make the decision based upon the evidence adduced and the law;
- D.** Provide the claimant a written copy of the decision setting forth findings and conclusions; and
- E.** Preserve the tape of the hearing and all exhibits offered at the hearing for not less than sixty (60) days following entry of the hearing decision.

Upon the request of either party or the hearing officer's own motion, the hearing may be continued and the hearing record held open for a period not to exceed ten (10) days in order to obtain additional information or to verify new information.

6:060 Right to Judicial Review: Pursuant to Neb. Rev. Stat. § 68-142 any client aggrieved by a decision rendered pursuant to Sections 6:010 and 6:050 herein, may obtain a review of such decision by filing a petition in the District Court of Douglas County, Nebraska, within thirty (30) days after service of the decision on the client. Service shall be completed upon mailing of the decision by the Hearing Officer in the normal course of business to the last known address of the applicant.

CHAPTER 7-REPAYMENT PROCEDURES

Pursuant to Neb. Rev. Stat. § 68-137 Douglas County can require repayment for general assistance provided if such assistance was obtained through misrepresentation or fraud. Additionally, the county may also require reimbursement for interim general assistance granted pending a determination of an applicant's eligibility for any supplemental security income program or other program of categorical assistance or pending the issuance of a lost or stolen categorical warrant.

7:010 Restitution: In the event that a person (client or vendor) receives benefits through the Department of General Assistance through fraud or misrepresentation, the Department shall:

- A. Notify the individual(s) in writing to repay the amount of the overpayment within thirty (30) calendar days of the date of notification or contact the Department to arrange a repayment plan.
 - 1) If the benefit amount that was fraudulently obtained exceeds \$5,000 and full restitution has not been made within thirty (30) calendar days of the notification, the Director, or designee, shall refer the matter to the Douglas County Sheriff's Office for investigation and subsequent prosecution.
 - 2) If the amount owed is less than \$5,000, the Director or designee, shall determine whether to refer the matter to the Douglas County Sheriff's Office or arrange a suitable payment plan with the individual(s).

7:020 Recovery of Overpayments: In the event that a person (client or vendor) receives benefits through the Department of General Assistance by providing fraudulent, inaccurate, deceptive, or erroneous information or through a misrepresentation of the facts, the County shall:

- A.** Notify the party(ies) in writing that their case has been closed, that an overpayment has been declared, and that the overpayment status represents an indefinite bar to services and will remain in effect until the overpayment is repaid.
- 1)** A separate notice will also be sent with instructions to repay this amount or to contact the Department to arrange a repayment plan.
- i)** Party(ies) will be allowed thirty (30) days to respond.
- B.** Upon receipt of a response or at the end of the initial thirty (30) day period, a follow-up written notice will be sent to the party(ies) indicating the number of months deemed necessary to recover the overpayment.
- 1)** This is determined by dividing the unpaid overpayment balance by the maximum monthly income and resource amount for the household pursuant to Section 2:280 herein.
- C.** Overpayments in an amount that is less than the maximum monthly income and resource amount for the household size pursuant to Section 2:280 herein, shall constitute ineligibility for the entire month. This period of ineligibility may be adjusted periodically, if a payment plan has been approved by the Department Director or designee, and payments are being received.

Appendix A

The Department of Health and Human Services' (HHS) poverty guidelines, which are a simplified version of the Census Bureau's poverty thresholds used for program eligibility purposes. Annual adjustments to the HHS poverty guidelines shall become effective on the first day of the month following publication in the Federal Register (typically February). HHS poverty guidelines (effective February 1, 2021) are as follows:

2021 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA		
<u>Persons in Family/Household</u>	<u>Annual Poverty Guideline</u>	<u>Monthly Poverty Guideline</u>
1	\$12,880	\$1,073
2	\$17,420	\$1,452
3	\$21,960	\$1,830
4	\$26,500	\$2,208
5	\$31,040	\$2,587
6	\$35,580	\$2,965
7	\$40,120	\$3,343
8	\$44,660	\$3,722
For families/households with more than 8 persons, add \$4,540 for each additional person.		

